

1 PHILLIP A. TALBERT
United States Attorney
2 MATHEW W. PILE, WSBA 32245
Associate General Counsel
3 Office of Program Litigation, Office 7
ELIZABETH LANDGRAF, CSBN 313184
4 Special Assistant United States Attorney
Social Security Administration
5 160 Spear Street, Suite 800
San Francisco, CA 94105
6 Telephone: (510) 970-4828
Facsimile: (415) 744-0134
7 Elizabeth.Landgraf@ssa.gov
Attorneys for Defendant
8
9

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 FRESNO DIVISION
13

14 ANGELICA M. AVILA,
15 Plaintiff,
16
17 v.
18 KILOLO KIJAKAZI,
Acting Commissioner of Social Security,
19 Defendant.
20
21

No. 1:21-cv-01283-JLT-BAM

STIPULATION AND ~~PROPOSED~~ ORDER FOR
EXTENSION OF TIME TO FILE DEFENDANT'S
RESPONSE TO PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT

22 The parties stipulate through counsel that Defendant, the Acting Commissioner of Social
23 Security (the "Commissioner"), shall have a first extension of 45 days to respond to Plaintiff's
24 Motion for Summary Judgment ("Motion") (Docket Number 23), extending the date on which
25 Defendant's response is due from September 19, 2022, to November 3, 2022.

26 Defendant needs more time to respond to Plaintiff's Motion because the undersigned
27 attorney was recently reassigned to this case, after Plaintiff had already filed her Motion, and
28 needs more time review the record, evaluate the issues raised in Plaintiff's Motion, determine

whether options exist for settlement, and if not, prepare Defendant's Opposition to Plaintiff's Motion. In addition, the undersigned attorney for Defendant currently has three briefs due over the next one-week period, including Defendant's Opposition in this case, and a total of eight district court briefs due over the next four weeks.

Due to the overall volume of work within the Commissioner's Region IX Office of General Counsel, neither the undersigned attorney nor another attorney in the Region IX Office anticipate being able to review and respond to Plaintiff's Motion by the current due date. Accordingly, the Commissioner respectfully requests an extension of 45 days, until November 3, 2022, to respond to Plaintiff's Motion.

This request is made in good faith and is not intended to delay the proceedings in this matter.

Respectfully submitted,

DATE: September 16, 2022

/s/ Jonathan Omar Pena
JONATHAN OMAR PENA
Attorney for Plaintiff
(as approved via email)

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE
Associate General Counsel
Social Security Administration

DATE: September 16, 2022

By /s/ Elizabeth Landgraf
ELIZABETH LANDGRAF
Special Assistant United States Attorney
Attorneys for Defendant

ORDER

Pursuant to the parties' stipulation, and good cause appearing, Defendant's request for an extension of time to respond to Plaintiff's Motion for Summary Judgment is GRANTED. Defendant shall have an extension, up to and including October 5, to respond to Plaintiff's Motion for Summary Judgment. All other deadlines in the Court's Scheduling Order are

1 modified accordingly.

2
3 IT IS SO ORDERED.

4 Dated: September 19, 2022

/s/ Barbara A. McAuliffe
5 UNITED STATES MAGISTRATE JUDGE